

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WILLIAM C. BOND

*

Plaintiff

*

v.

*

Civil Action No.: MJG-01-CV-2600

KENNETH BLUM, SR., *et al.*

*

Defendants

*

* * * * *

**DEFENDANTS' RESPONSE IN OPPOSITION TO MOTION FOR DISCOVERY, MOTION
FOR DISCOVERY OF THE UNITED STATES ATTORNEY'S OFFICE FOR MARYLAND,
AND MOTION FOR DISCOVERY UNDER FED.R.CIV.P. RULE 27**

Defendants, Kenneth Blum, Sr., Kenneth Blum, Jr., Dudley F. B. Hodgson, McDaniel, Bennett & Griffin,¹ and Adelberg Rudow Dorf & Hendler, LLC, by their undersigned counsel, respond in opposition to the Motion for Discovery, Motion for Discovery of the United States Attorney's Office for Maryland, and Motion for Discovery Under Fed.R.Civ.P. Rule 27 ("Motion for Discovery") filed by William Bond ("Bond") and in support state as follows:

1. The Motion for Discovery should be denied because it is untimely, moot, unsupported legally or factually, and has been waived. Defendants adopt and incorporate their response in opposition to Bond's Motion for Fed.R.Civ.Pro. 60(b) Relief from Judgment or Order ("Rule 60(b) Motion").

2. The above-captioned action was filed on August 29, 2001, by Bond and on November 27, 2001, the Court entered judgment in favor of all defendants and dismissed all of Bond's claims with prejudice.

3. On January 4, 2002, the Court denied Bond's Motion to Alter or Amend Judgment.

4. On January 31, 2002, Bond filed a Notice of Appeal.

¹ "McDaniel, Bennett & Griffin" is currently known as "The Law Offices of William J. McDaniel, Jr.."

5. On January 24, 2003, the Court of Appeals for the Fourth Circuit affirmed this court's judgment in favor of all defendants. *Bond v. Blum*, 317 F.3d 385 (4th Cir. 2003), *cert. denied*, 540 U.S. 820 (2003).

6. According to the Docket Report for this action, the case terminated on May 6, 2003.

7. Since that time, all papers filed in this action have related either to various *defendants'* claims for attorneys' fees, or writs of garnishment filed against Bond.

8. The Motion for Discovery is years overdue. It should have been filed, if at all, prior to Bond's filing his Notice of Appeal.

9. As this case has been closed for four years, no discovery on any issue is appropriate. Even taking into account Bond's Rule 60(b) Motion, which the Court should not do for reasons stated in Defendants' Response Opposition thereto, that Motion must stand on its own substance and cannot be based on yet undiscovered evidence. Bond has no judgment in his favor in this action for which he could even ask for discovery relating to execution on a judgment. Bond's Motion for Discovery should thus be denied as untimely or moot.

10. Bond is not entitled to discovery under Fed.R.Civ.Pro 27 which provides that the court may allow discovery in the form of depositions before an action is filed or pending appeal. In this case, no appeal is pending and to the extent Bond seeks to take depositions to perpetuate evidence, he has failed to comply with Fed.R.Civ.Pro 27(a) which requires a verified petition to be filed with the court setting forth certain matters.

11. Having demonstrated no basis for allowing discovery to proceed four years after this case was closed, the Motion for Discovery should be denied.

WHEREFORE, Defendants respectfully request that the Motion for Discovery, Motion for Discovery of the United States Attorney's Office for Maryland, and Motion for Discovery Under Fed.R.Civ.P. Rule 27 be DENIED.

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 11th day of May, 2007, a copy of the foregoing Response in Opposition to the Motion for Discovery, Motion for Discovery of the United States Attorney's Office for Maryland, and Motion for Discovery Under Fed.R.Civ.P. Rule 27 was served by first class mail on the following:

William C. Bond
309 Suffolk Road
Baltimore, Maryland 21218

William Slavin
300 Three Island Boulevard, #810
Hollandale Beach, Florida 33009

_____/s/_____
T. Christine Pham